

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYDELL IVAN BUIE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:23-cv-2786-CSK

ORDER GRANTING EXTENSION OF  
TIME AND WITHDRAWING OSC

(ECF No. 12.)

On March 19, 2024, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute, noting that Plaintiff failed to timely file a motion for summary judgment.<sup>1</sup> (ECF No. 9.) Plaintiff now requests additional time, until May 5, 2024, to file the opening summary judgment motion. (ECF No. 12.) Plaintiff asserts personal circumstances have obstructed his ability to file his brief, as well as that he “did not receive documentation in a timely manner.” (*Id.*) Good cause appearing, Plaintiff’s motion for more time to file his summary judgment motion is GRANTED.

Further, the Court notes that not all parties have filed their “Consent to Assignment or Request for Reassignment” form. (See ECF No. 5-1.) There is no obligation to consent, and the judges will not be notified of a party’s designation unless

---

<sup>1</sup> This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. Civ. P. 72, and Local Rule 302(c)(15).

all parties have consented. Fed. R. Civ. P. 73(b)(1). However, the parties' completed forms assist the Court in administratively processing this case. Thus, any party who has yet to submit the consent/decline form shall do so by May 5, 2024.

**ORDER**

Accordingly, it is HEREBY ORDERED that:

1. The Court's order to show cause (ECF No. 9) is DISCHARGED without further comment;
2. Plaintiff's motion for an extension of time (ECF No. 12) is GRANTED;
3. Plaintiff shall have until May 5, 2024 to file his motion for summary judgment, as outlined in the December 7, 2023 scheduling order (ECF No. 5); all other deadlines are adjusted accordingly;
4. Any party who has yet to file their consent/decline forms shall do so by May 5, 2024; and
5. The Clerk of the Court is directed to include a copy of the SCHEDULING ORDER and ORDER RE CONSENT in SOCIAL SECURITY APPEAL (ECF Nos. 5, 5-1, and 5-2) alongside this order when serving Plaintiff.

Dated: April 9, 2024

  
\_\_\_\_\_  
CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

3, buie.2786